

Date of decision: 05/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgement?
No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge?
No.

KANAIYALAL PABHULDASJI vs AMC

Appearance:

MR YN OZA for Petitioners.
MR BP TANNA for Respondent No. 1.
SERVED BY DS for Respondent No. 2.

Coram : MR.JUSTICE N.N.MATHUR
(5-2-1996)

ORAL JUDGEMENT

This Special Civil Application has been filed challenging the action on the part of the respondent Ahmedabad Municipal Corporation removing the petitioners' lorry gallas without giving notice to them and without following the procedure prescribed under the law.

2. The say of the petitioner is that they are carrying on their business in the hawkers zone allotted to them by the respondent Corporation and as such they could not have been removed from the said area.

3. Mr. K.J. Shah, Director of Estate and Town Planning, has filed the affidavit on behalf of the respondent Corporation. It is stated that the petitioners have placed their lorry gallas in the past on the road and public premises. They were sought to be removed and as such they have approached this Court by filing this Special Civil Application. The respondent Corporation was asked to prepare the scheme and in view of this, the scheme was introduced on 3-12-1994. According to this scheme, from any cross-road, the minimum distance should be 50 ft. In the present case, this criterion of minimum distance is committed breach and therefore the lorry gallas have been removed. The reference has been made to the decision of the Division Bench of this Court rendered in Special Civil Application 1880 of 1994 at annexure 'A'.

4. In view of the reply filed by the respondent Corporation and the fact that the lorry galla stand has been abolished with effect from 1-1-1995, this Special Civil Application is dismissed.

5. Identical matter being Special Civil Application No.3058 of 1995 was rejected by the order dated 22-1-1996 of this Court.

6. In view of the aforesaid, this Special Civil Application is rejected. Rule is discharged. Interim relief is vacated.

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